



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0139/P2

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 30.501 (8), 30.537 (4) (e), 30.60, 30.61 (9), 30.62 (2) (d) 3., 30.62
2 (2) (f), 30.62 (2) (i), 30.62 (9), 30.67 (3) (c), 30.68 (4) (b), 30.68 (12), 30.71 (1), 30.73
3 (4), 30.74 (2) (b), 30.78 (1g), 30.78 (3), 30.79 (1) (a) and 30.81 (1m) and (2); *to*
4 *renumber* 30.50 (2), 30.67 (3) (a) and (b), 30.742 and 709.03 (form) C. 27.; *to*
5 *renumber and amend* 30.61 (10), 30.62 (2) (c), 30.62 (2) (d) 1., 30.62 (2) (d) 2.,
6 30.62 (4) (b), 30.62 (6), 30.63, 30.635, 30.64, 30.67 (1), 30.67 (3) (intro.), 30.675
7 (intro.) and (1), 30.68 (3) (a), 30.68 (3) (b) to (d), 30.68 (4) (a), 30.68 (5m), 30.68
8 (7), 30.69 (1) (a), 30.69 (1) (b) and 30.70; *to amend* 30.50 (4q), 30.50 (9), 30.501
9 (9), 30.505, 30.52 (1) (b) 1r., 30.54 (2), 30.571, 30.61 (1), (2) (intro.), (3) (intro.),
10 (4), (6) (b), (7) and (8), 30.62 (title), (1) and (2) (b), 30.62 (2) (g) 1. to 3., 30.62 (2m)
11 and (3) (a), 30.62 (4) (a), 30.62 (5), 30.62 (8), 30.625 (1) (intro.) and (2), 30.65 (1)
12 (intro.), (b) and (f) and (2), 30.66 (1), (2) (title) and (3), 30.67 (2), 30.67 (4), (5)
13 and (6) (b), 30.675 (2), 30.68 (title) and (2), 30.68 (4m) (title) and (5), 30.68 (6),
14 30.68 (7) (title), 30.68 (8) and (8m) (a), 30.68 (9) and (11), 30.69 (title), 30.69 (1)
15 (title), 30.69 (2), 30.69 (3), 30.69 (4), 30.73 (2) (a), 30.74 (1) (c) and (d), 30.74 (2)

1 (a), 30.74 (3), 30.772 (4), 30.78 (1r) and (2), 30.79 (1) (b) 1. and 2., 30.79 (2), (3)
2 and (4), 30.80 (2), 30.80 (3), 30.80 (4), 30.81 (3), 30.81 (4), 30.90 (1), 30.90 (2),
3 33.475, 236.16 (3) (d) (intro.) and 299.05 (1) and (2) (a); *to repeal and recreate*
4 30.77, 30.78 (1) (intro.) and 30.81 (1) (intro.); and *to create* 30.50 (1b), 30.50
5 (4u), 30.50 (9b), 30.50 (10m), 30.50 (13r), 30.5005, 30.605, 30.62 (2) (c) 2., 30.62
6 (3) (c), 30.62 (4) (b) 2., 30.62 (6) (b), 30.66 (3) (c), 30.68 (3m) (title), 30.68 (5g) (c),
7 30.68 (8m) (c), 30.68 (14) (title), 30.69 (1) (b) 2., 30.69 (1) (bm), 30.74 (2) (d),
8 30.771, subchapter VI (title) of chapter 30 [precedes 30.95], 30.96 (title), 30.98
9 (title), 30.98 (1) (title), 31.93, 60.782 (1m) and 709.03 (form) C. 27. of the
10 statutes; relating to: recodification of chapter 30.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

11 SECTION 1. 30.50 (1b) of the statutes is created to read:

12 30.50 (1b) "Aids to navigation" means buoys, beacons, and other fixed objects
13 in the water that are used to mark obstructions to navigation or to direct navigation
14 through safe channels.

NOTE: This definition is moved here from current s. 30.74 (2) (b).

15 SECTION 2. 30.50 (2) of the statutes is renumbered 30.01 (1bm).

NOTE: The definition of "boat" or "vessel" is relocated to the definitions applicable to the entire chapter.

16 SECTION 3. 30.50 (4q) of the statutes is amended to read:

17 30.50 (4q) "Lake sanitary district" means a town sanitary district that has
18 within its boundaries at least 60% of the footage of shoreline of a public inland lake,

1 as defined in s. 60.782 (1), for which a public inland lake protection and rehabilitation
2 district is not in effect. The footage of shoreline shall be measured by use of a map
3 wheel on the U.S. geological survey 7 1/2 minute series map.

NOTE: The current statutes provide for the determination of shoreline footage in
s. 30.105. Section 30.105 is replicated in the 3 statutes where measurement of shoreline
footage is specified.

4 SECTION 4. 30.50 (4u) of the statutes is created to read:

5 30.50 (4u) "Local governmental unit" means a city, village, town, county, town
6 sanitary district, or public inland lake protection and rehabilitation district.

7 SECTION 5. 30.50 (9) of the statutes is amended to read:

8 30.50 (9) "~~Owner~~ Except as provided in s. 30.605, "owner" means the person
9 who has lawful possession of a boat by virtue of legal title or equitable interest
10 therein which entitles the person to lawful possession.

11 SECTION 6. 30.50 (9b) of the statutes is created to read:

12 30.50 (9b) "Patrol boat" means a boat authorized by this state or by a local
13 governmental unit for the purpose of law enforcement, search and rescue, fire
14 fighting, emergency response, or water safety operations, including a water safety
15 patrol unit.

NOTE: "Patrol boat" is defined here and used consistently in subch. V in statutes
related to the equipment and operation of such boats.

16 SECTION 7. 30.50 (10m) of the statutes is created to read:

17 30.50 (10m) "Regulatory marker" means any anchored or fixed marker in the
18 water or anchored platform on the surface of the water, other than aids to navigation,
19 and includes a swimming area marker, speed zone marker, information marker,
20 mooring buoy, fishing buoy, and restricted activity area marker.

NOTE: This definition is moved here from current s. 30.74 (2) (b).

21 SECTION 8. 30.50 (13r) of the statutes is created to read:

1 30.50 (13r) "Water skiing or a similar activity" means any activity in which a
2 person is towed in the water behind or alongside of a boat, including barefoot skiing,
3 aquaplaning, kneeboarding, or being towed on an inflatable device.

NOTE: This clarifies the use of the term "water skiing or a similar activity". The list of activities after "including" is not meant to be exclusive. This definition is intended to apply to other similar activities that are currently enjoyed on the water, or that may be developed and introduced in the future.

4 **SECTION 9.** 30.5005 of the statutes is created to read:

5 **30.5005 Department duties and powers.** (1) **FEDERAL LAW.** The department
6 shall submit proposed legislation to the legislature in the manner provided under s.
7 13.172 (2) in order to conform the requirements under ss. 30.50 to 30.71 with federal
8 statutes and regulations.

NOTE: This provision directs the department to suggest new legislation to keep statutory boat registration, equipment and operation requirements in conformity with federal regulations. Current statutes specifically requiring conformity with federal regulations [ss. 30.501 (8), 30.505, 30.61 (9), 30.62 (9) and 30.67 (2) (a)] are amended or repealed. The special committee does not intend by this new procedure to withdraw the statutory authority for any rules promulgated by the DNR that adopt federal statutes or regulations, whether wholly or in part.

9 (2) **RULES; GENERALLY.** The department may promulgate rules under this
10 subchapter. Any reference to a provision of this subchapter includes any rule
11 promulgated under that provision.

✓
maybe leave in
****NOTE: The last sentence in this provision is not necessary. I know that a similar provision exists in current law. But the authority of an agency to promulgate rules, and to enforce and administer those rules, always derives from the statutes. Furthermore, I cannot find any other instance in the statutes where this language appears.

NOTE: The first sentence of sub. (2), above, restates the authority of the DNR to promulgate rules. This bill eliminates various statutes that grant permissive rule-making authority in subch. V. The 2nd sentence in sub. (2), above, eliminates the need for several instances of the phrase in the form, "this section, or rules promulgated under this section", and applies that principle to all rules promulgated under subch. V. In addition, it should be noted that DNR has emergency rule-making authority under s. 227.24.

12 **SECTION 10.** 30.501 (8) of the statutes is repealed.

NOTE: Current s. 30.501 (8) authorizes the DNR to promulgate rules regarding boat capacity plates, and requires the rules to conform with appropriate federal regulations. This provision is repealed for several reasons. First, the authorization to promulgate regulations is stated generally for all of subch. V in new s. 30.5005 (1) (b).

Second, it is not necessary to state that the rules must comply with federal regulations. Third, if there is an issue regarding the consistency of statutes with federal regulations, that is a matter for the legislature, and not for DNR rules.

1 **SECTION 11. 30.501 (9) of the statutes is amended to read:**

2 30.501 (9) This section applies to vessels manufactured ~~after January 1, 1966~~
3 and prior to November 1, 1972. All vessels manufactured on or after November 1,
4 1972, shall comply with appropriate federal regulations and the capacity
5 information shall be displayed as required.

NOTE: Section 30.501 relates to capacity plates on boats. This amendment makes the statute applicable to all boats manufactured prior to November 1, 1972.

6 **SECTION 12. 30.505 of the statutes is amended to read:**

7 **30.505 Certificate of number system to conform to federal system.** The
8 certificate of number system and the issuance of identification numbers employed
9 by the department shall be in conformity with the overall system of identification
10 numbering for boats established by the U.S. federal government. ~~The department~~
11 ~~shall promulgate rules as are necessary to bring the state certificate of number~~
12 ~~system and the issuance of identification numbers into conformity with this federal~~
13 ~~system.~~

NOTE: The rationale for this amendment is the same as that stated in the note describing the repeal of s. 30.501 (8).

14 **SECTION 13. 30.52 (1) (b) 1r. of the statutes is amended to read:**

15 30.52 (1) (b) 1r. ~~A~~ When a person applying applies for registration of a federally
16 documented vessel, the department shall submit as part of the application a
17 photocopy of the front and back of verify that the federal certificate of documentation
18 for the vessel, ~~which must be~~ is current at the time of applying for registration.

NOTE: Information on federally documented vessels is available on the U.S. Coast Guard web site, and the DNR may verify the federal documentation by that means. The DNR may also request a photocopy of the federal registration.

19 **SECTION 14. 30.537 (4) (e) of the statutes is repealed.**

NOTE: This provision requires a person who receives notice from the DNR under s. 30.571 regarding perfection of a security interest on a boat titled in another state to pay a \$2 fee to the DNR. The DNR does not have an effective means to collect this fee and does not currently collect it, and it is therefore repealed.

1 **SECTION 15. 30.54 (2) of the statutes is amended to read:**

2 **30.54 (2) If a person applies for a replacement certificate under sub. (1),**
3 **conservation wardens or local law enforcement officials, after presenting**
4 **appropriate credentials to the owner or legal representative of the owner named in**
5 **the certificate of title, shall may inspect the boat's engine serial number or hull**
6 **identification number, for purposes of verification or enforcement.**

NOTE: This provision relates to replacement certificates of title. This provision requires a conservation warden or local law enforcement official to inspect the hull number of engine number of a boat in order to verify it in connection with replacement of the certificate of title by the DNR. This inspection is not consistently performed, and this bill makes the inspection optional.

7 **SECTION 16. 30.571 of the statutes is amended to read:**

8 **30.571 Notification of person who has perfected security interest. If the**
9 **department receives information from another state that a boat that is titled in this**
10 **state is being titled in the other state and the information does not show that a**
11 **perfected security interest, as shown by the records of the department, has been**
12 **satisfied, the department shall notify the person who has perfected the security**
13 **interest. ~~The person shall pay the department the fee under s. 30.537 (4) (e) for each~~**
14 **~~notification.~~**

NOTE: The fee referenced in this provision is eliminated by this bill.

15 **SECTION 17. 30.60 of the statutes is repealed.**

NOTE: Current s. 30.60 creates a motorboat classification system based on boat length. These classifications are only used in 3 places in the current statutes: ss. 30.61 (2) and (3) and 30.69 (1) (a). Rather than use this classification system, those statutes are amended to substitute reference to the length of the motorboat.

16 **SECTION 18. 30.605 of the statutes is created to read:**

1 **30.605 Owner; definition.** In ss. 30.61 to 30.71, "owner" means any of the
2 following:

3 (1) An owner, as defined in s. 30.50 (9).

4 (2) A lessee of a boat.

NOTE: "Lessee" is added to the definition of owner to assure that the statutes apply to those who may lease a boat on a long-term basis. Section 30.50 (9) defines "owner" to include a person who has an equitable interest in a boat, but that term does not necessarily describe a lease and, in any case, that definition is meant to apply primarily to boat titling and registration statutes. "Lessee" does not include short-term rental of boats, such as on a daily or weekly basis.

5 **SECTION 19.** 30.61 (1), (2) (intro.), (3) (intro.), (4), (6) (b), (7) and (8) of the
6 statutes are amended to read:

7 30.61 (1) **WHEN LIGHTS REQUIRED; PROHIBITED LIGHTS.** (a) No person ~~shall~~ may
8 operate any motorboat at any time from sunset to sunrise unless ~~such~~ the motorboat
9 carries the lighting equipment required by this section and unless ~~such~~ the lighting
10 equipment is lighted when and as required by this section.

11 (b) No owner ~~shall~~ may give a person permission ~~for the operation of~~ to operate
12 a motorboat at any time from sunset to sunrise unless ~~such~~ the motorboat is ~~equipped~~
13 as carries the lighting equipment required by this section.

14 (c) No person ~~shall~~ may exhibit ~~from or~~ on any motorboat when under way at
15 any time from sunset to sunrise any light which may be mistaken for those required
16 by this section.

17 **(2) LIGHTS FOR MOTORBOATS OF CLASSES A AND 1** LESS THAN 26 FEET LONG. (intro.)
18 All motorboats of ~~classes A and 1~~ less than 26 feet long when under way at any time
19 from sunset to sunrise shall carry and have lighted the following lamps:

20 **(3) LIGHTS FOR MOTORBOATS OF CLASSES 2 AND 3** 26 OR MORE FEET LONG. (intro.) All
21 motorboats of ~~classes 2 and 3~~ 26 or more feet long when under way at any time from
22 sunset to sunrise shall carry and have lighted the following lamps:

1 (4) SAILBOATS WITH MOTORS. ~~Sailboats~~ A sailboat equipped with ~~motors~~ a motor
2 and being propelled in whole or in part by ~~such~~ the motor ~~must~~ shall comply with sub.
3 (2) or (3), ~~whichever is~~ as applicable. Whenever ~~such~~ a sailboat is being propelled
4 entirely by sail at any time from sunset to sunrise, it shall have lighted the lamps
5 showing the colored lights specified in sub. (2) or (3), but not the lamps showing the
6 white lights, and shall carry ready at hand a lantern or flashlight showing a white
7 light which shall be exhibited in sufficient time to avert collision.

8 (6) (b) ~~This subsection does not require any light to be shone from~~ A duck blinds
9 blind constructed on emergent vegetation is not required to be lighted.

10 (7) PERFORMANCE DESIGN SPECIFICATIONS FOR LAMPS. Every white light
11 ~~prescribed~~ required by this section shall be of ~~such character as~~ designed to be visible
12 at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored
13 light ~~prescribed~~ required by this section shall be of ~~such character as~~ designed to be
14 visible at a distance of at least one mile on a dark night with clear atmosphere. The
15 owner of a motorboat that is required to carry lighting equipment under this section
16 shall maintain the equipment so that the equipment functions as designed.

NOTE: The current statute requires lights to be "of such character" as to be "visible".
This language establishes a design standard for the lights, and the requirement is revised
and clarified accordingly. A requirement to maintain the lights is added.

17 (8) OPTIONAL LIGHTING REQUIREMENTS. Any boat may carry and exhibit the lights
18 required by the federal international regulations for preventing collisions at sea,
19 ~~1948, federal act of October 11, 1951, (33 USC 143-147d) as amended, as~~
20 implemented by 33 CFR part 81 and interpreted by 33 CFR part 82 in lieu of the
21 lights required by subs. (2) and (3).

22 SECTION 20. 30.61 (9) of the statutes is repealed.

NOTE: The current statute requires DNR to promulgate rules to keep the lighting
requirement consistent with federal law. This provision is replaced by a directive in new

s. 30.5005 for the DNR to propose statutory amendments to keep statutory registration, equipment and operation requirements in conformity with federal regulations.

1 **SECTION 21.** 30.61 (10) of the statutes is renumbered 30.68 (13) and amended
2 to read:

3 **30.68 (13) OPERATION NIGHTTIME OPERATION OF PERSONAL WATERCRAFT.** (a)
4 ~~Notwithstanding subs. (1), (2), (8) and (9), no~~ **No** person may operate a personal
5 watercraft at any time from sunset to sunrise.

6 (b) If a person operates a personal watercraft in violation of par. (a), the
7 operation shall be subject to additional penalties for any failure to comply with the
8 applicable lighting requirements under ~~subs. s. 30.61 (1), (2), and (8) and (9).~~

9 **SECTION 22.** 30.62 (title), (1) and (2) (b) of the statutes are amended to read:

10 **30.62 (title) ~~Other equipment~~ Equipment other than lighting.** (1) **WHEN**
11 **EQUIPMENT REQUIRED.** No person ~~shall~~ may operate any boat on the waters of this
12 state unless ~~such~~ the boat is equipped as required by this section ~~and the rules of the~~
13 ~~department promulgated under this section.~~

14 **(1m) RENTAL BOATS.** No owner of a boat ~~shall~~ may rent ~~such~~ a boat to any other
15 person for use ~~upon~~ on the waters of this state unless ~~such~~ the boat is equipped at
16 the time of rental as required by this section ~~and the rules of the department~~
17 ~~promulgated under this section. If such.~~ If the boat is properly equipped at the time
18 of rental for conditions then existing, the responsibility of the owner under this
19 section is met, notwithstanding a subsequent change in the number of passengers
20 or a change in time from daylight to dark.

NOTE: The provision regarding rules of the department is repealed and replaced by a general provision in new s. 30.5005 as created by this bill. That provision states that any reference to statutory requirements includes additional requirements promulgated by the DNR by rule pursuant to that statutory requirement.

(2) (b) *Maximum noise levels for operation.* No person may operate a motorboat powered by an engine ~~on the waters of this state~~ in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale.

SECTION 23. 30.62 (2) (c) of the statutes is renumbered 30.62 (2) (c) 1. and amended to read:

30.62 (2) (c) 1. No person may sell, resell, or offer for sale any motorboat for use on the waters of the state if the motorboat has been so modified that it cannot be operated ~~in such a manner that it will comply with the noise level requirements~~ under in compliance with par. (b).

SECTION 24. 30.62 (2) (c) 2. of the statutes is created to read:

30.62 (2) (c) 2. No person engaged in the business of selling motorboats at retail within this state may sell a motorboat for use on the waters of this state in the ordinary course of that person's business if the motorboat cannot be operated in compliance with par. (b).

NOTE: Current s. 30.62 (2) (d) prohibits the manufacture and sale of a motorboat for use in this state if it does not comply with maximum noise levels. That statute does not prohibit offering for sale a motorboat that does not meet maximum noise level standards if the boat is not manufactured in this state. This new provision prohibits the retail sale of a motorboat for use on the waters of this state if the motorboat does not meet noise level requirements.

SECTION 25. 30.62 (2) (d) 1. of the statutes is renumbered 30.62 (2) (d) and amended to read:

30.62 (2) (d) *Maximum noise level for manufacture.* No person may manufacture and or offer for sale any motorboat for use on the waters of this state if the motorboat cannot be operated ~~in such a manner so as to comply with the noise level requirements under in compliance with~~ par. (b).

SECTION 26. 30.62 (2) (d) 2. of the statutes is renumbered 30.62 (2) (dm) and amended to read:

1 30.62 (2) (dm) Testing procedures. The department may promulgate rules
2 establishing testing procedures to determine noise levels for the enforcement of this
3 section. The department may revise these rules as necessary to adjust to advances
4 in technology.

✓ *leave as is - per M.A.* ****NOTE: Do you want to delete the last sentence in this provision given that DNR
already has the authority to revise its rules?

5 SECTION 27. 30.62 (2) (d) 3. of the statutes is repealed.

6 SECTION 28. 30.62 (2) (f) of the statutes is repealed.

NOTE: This provision requires local ordinances to be identical to this statute. This
requirement is imposed by s. 30.77 and is unnecessary here.

7 SECTION 29. 30.62 (2) (g) 1. to 3. of the statutes are amended to read:

8 30.62 (2) (g) 1. A motorboat while competing in a water exhibition or race
9 conducted under a permit from a ~~town, village or city~~ local governmental unit that
10 enacts an ordinance under s. 30.77 or from an authorized agency of the federal
11 government.

NOTE: Counties, town sanitary districts, and lake districts are added to this
provision by the cross-reference to s. 30.77. The reference to a local governmental unit
"that enacts an ordinance under s. 30.77" is meant to provide that the local governmental
unit may issue a permit but is not required to enact an ordinance related to motorboat
racing or speed records. "Water exhibition" is added to make this provision consistent
with s. 30.742 and rules promulgated by the DNR under s. NR 5.19, Wis. adm. code.

✓ *see revised note per M.P.* ****NOTE: The preceding NOTE is somewhat unclear. If the local governmental unit
need not enact an ordinance related to motorboat racing or speed, to what must the
ordinance relate?

12 2. A motorboat designed and intended solely for racing, while the boat
13 motorboat is operated incidentally to the testing or tuning up of the motorboat and
14 engine for the water exhibition or race in an area designated by and operated under
15 a permit specified under subd. 1.

16 3. A motorboat on an official trial for a speed record if conducted under a permit
17 from a ~~town, village or city~~ local governmental unit that enacts an ordinance under
18 s. 30.77.

1 **SECTION 30.** 30.62 (2) (i) of the statutes is repealed.

NOTE: The repealed provision exempts governmental agents from the noise limits when on official duties. This provision is repealed and replaced by a general statute applicable to all statutes and local regulations related to police, rescue, fire fighting, and other similar official boat users. See s. 30.64 (1).

2 **SECTION 31.** 30.62 (2m) and (3) (a) of the statutes are amended to read:

3 **30.62 (2m) OVERPOWERING.** No person may sell, equip, or operate, and no owner
4 of a boat motorboat may allow a person to operate, a boat motorboat with any motor
5 ~~or other~~ propulsion machinery beyond its safe power capacity, taking into
6 consideration the type and construction of such ~~watercraft and other existing~~
7 ~~operating conditions~~ the motorboat.

NOTE: The definition of "motorboat" in s. 30.50 (6) is "any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion". This provision refers to a boat with a motor or propulsion machinery, which is by definition a motorboat. This provision is redrafted accordingly. The reference to "other existing operating conditions" is deleted on the grounds that safe power capacity is determined by the size and design of the motorboat and not by operating conditions.

8 **(3) (a)** Every boat, except a sailboard and except as provided in ~~par.~~ pars. (b)
9 and (c), shall carry at least one personal flotation device prescribed by federal
10 regulations 33 CFR part 175 for each person on board or being attended by the boat,
11 so placed as to be readily accessible and available to the persons.

move to p. 13 after line 2
NOTE: This provision duplicates the exemptions in current federal rules, 33 CFR s. 175.17.

12 **SECTION 32.** 30.62 (3) (c) of the statutes is created to read:

13 **30.62 (3) (c) 1.** In this paragraph, "racing vessel" means a manually propelled
14 racing shell, rowing scull, racing canoe, or racing kayak of the type that is recognized
15 by a national or international racing association for use in competitive racing.

16 **2.** Paragraph (a) does not apply to a racing vessel if all of the vessel's occupants,
17 other than a coxswain, row, scull, or paddle the vessel and if the vessel is not designed

1 to carry and does not carry any equipment other than equipment used solely for
2 competitive racing.

3 SECTION 33. 30.62 (4) (a) of the statutes is amended to read:

4 30.62 (4) (a) Every motorboat, ~~except outboards of open construction,~~ shall be
5 provided with ~~such number, size and type of~~ fire extinguishers, ~~capable of promptly~~
6 ~~and effectively extinguishing burning gasoline,~~ as prescribed by rules of the
7 department. ~~Such~~ The fire extinguishers shall be ~~at all times~~ kept in condition for
8 immediate and effective use and shall be ~~so placed as to be~~ readily accessible. "Open
9 ~~construction" means construction which will not permit the entrapment of explosive~~
10 ~~or flammable gases or vapors.~~

11 SECTION 34. 30.62 (4) (b) of the statutes is renumbered 30.62 (4) (b) (intro.) and
12 amended to read:

13 30.62 (4) (b) (intro.) This subsection does not apply to ~~a~~ any of the following:

14 1. A motorboat while competing in a race conducted pursuant to a permit from
15 a town, village or city local governmental unit that enacts an ordinance under s.
16 30.77 or from an authorized agency of the U.S. federal government, ~~nor does it apply~~
17 ~~to a.~~

18 2. A boat designed and intended solely for racing, while the boat is operated
19 incidentally to the tuning up of the boat and engine for the race at the race location
20 on the day of the race.

21 SECTION 35. 30.62 (4) (b) ^{3.} ~~2.~~ of the statutes is created to read:

22 30.62 (4) (b) ^{3.} ~~2.~~ A motorboat that is equipped with an outboard motor and that
23 is constructed in a manner that does not permit explosive or flammable gases or
24 vapors to become entrapped in the motorboat.

25 SECTION 36. 30.62 (5) of the statutes is amended to read:

1 30.62 (5) BACKFIRE FLAME ARRESTERS. Every boat motorboat equipped with an
2 inboard motor using gasoline as a fuel shall have the carburetors of ~~every~~ each
3 inboard gasoline motor fitted with an ~~efficient~~ effective device for arresting backfire
4 flames. The device shall ~~meet the specifications prescribed by~~ comply with federal
5 regulations.

6 SECTION 37. 30.62 (6) of the statutes is renumbered 30.62 (6) (a) and amended
7 to read:

8 30.62 (6) (a) ~~Every boat, except open boats, Except as provided in par. (b), every~~
9 motorboat using as fuel ~~any liquid of a volatile nature, liquid fuel~~ shall be provided
10 with an ~~efficient natural or mechanical~~ effective ventilation system ~~which that~~ is
11 capable of removing ~~resulting inflammable~~ flammable or explosive gases.

12 SECTION 38. 30.62 (6) (b) of the statutes is created to read:

13 30.62 (6) (b) Paragraph (a) does not apply to a motorboat that is constructed
14 in a manner that does not permit explosive or flammable gases or vapors to become
15 entrapped in the motorboat.

16 SECTION 39. 30.62 (8) of the statutes is amended to read:

17 30.62 (8) BATTERY COVER. ~~Every motorboat~~ If a boat is equipped with storage
18 batteries a battery as part of the boat's electrical system, the battery shall be
19 ~~provided with suitable supports and secured against shifting with the motion of the~~
20 ~~boat. Such storage batteries~~ Both battery terminals shall be ~~equipped with a~~
21 ~~nonconductive shielding means covered~~ covered to prevent accidental shorting of battery
22 terminals.

NOTE: Several changes are proposed for the provision on batteries. The current statute applies only to motorboats. If a nonmotorized boat uses a battery to power an electrical system, there does not appear to be a reason why the nonmotorized boat should not require securing and covering the battery. The current reference to "storage batteries" is replaced by a reference to a battery that is part of the boat's electrical system.

This will exclude from this requirement any other equipment such as depth finders, navigation lights or global positioning system units that are typically operated by dry cell batteries or by small, separate 12 volt lead-acid batteries.

1 **SECTION 40.** 30.62 (9) of the statutes is repealed.

NOTE: The current statute requires DNR to promulgate rules to conform state requirement regulations with federal law. This provision is replaced by a general directive in new s. 30.5005 for the DNR to propose statutory amendments, registration, operation and equipment standards in conformity with federal regulations.

2 **SECTION 41.** 30.625 (1) (intro.) and (2) of the statutes are amended to read:

3 30.625 (1) (intro.) No person who is engaged in the rental or leasing of rents
4 or leases personal watercraft to the public may do any of the following:

5 (2) The department ~~may~~ shall promulgate rules to establish minimum
6 standards for the instruction given under sub. (1) (a).

NOTE: Section 30.5005 (1) (b), as created by this bill, states the general authority of DNR to promulgate rules under this subchapter. However, rather than repealing s. 30.625 (2), it is changed to a mandatory provision. This makes this provision consistent with what appears to be the legislative intent of this provision—that the DNR is required to supplement the statute with rules regarding standards for instruction on personal watercraft operation.

7 **SECTION 42.** 30.63 of the statutes is renumbered 30.62 (10) and amended to
8 read:

9 30.62 (10) SALE AND USE OF CERTAIN OUTBOARD MOTORS RESTRICTED. (a) *Sale.* No
10 person may sell any new outboard motor for use ~~in~~ on the waters of this state unless
11 such the motor is equipped with a crankcase effectively sealed to prevent the
12 drainage of raw fuel into the waters in which the motor is operated.

13 (b) *Use.* Beginning on January 1, 1990, no person may operate an outboard
14 motor ~~in~~ on the waters of this state unless such the motor is equipped with a
15 crankcase effectively sealed to prevent the drainage of raw fuel into the waters in
16 which such the motor is operated.

17 **SECTION 43.** 30.635 of the statutes is renumbered 30.66 (4) and amended to
18 read:

1 30.66 (4) ~~MOTORBOAT PROHIBITION SLOW-NO-WAKE: LAKES 50 ACRES OR LESS.~~ On
2 No person may operate a motorboat in excess of slow-no-wake speed on lakes of 50
3 acres or less having public access, ~~motorboats may not be operated in excess of~~
4 ~~slow-no-wake speed,~~ except when such ~~the~~ lakes serve as thoroughfares between 2
5 or more navigable lakes. The department by rule may modify or waive the
6 requirements of this ~~section as to particular~~ subsection for individual lakes, if it finds
7 that public safety is not impaired by such ~~the~~ modification or waiver.

8 SECTION 44. 30.64 of the statutes is renumbered 30.68 (14), and 30.68 (14) (a)
9 and (b), as renumbered, are amended to read:

10 30.68 (14) (a) The operator of a ~~duly authorized~~ patrol boat, when responding
11 to an emergency call or when in pursuit of an actual or suspected violator of the law,
12 need not comply with ~~state law or local~~ this subchapter or ordinances fixing
13 ~~maximum speed limits under s. 30.77~~ when a siren is being sounded ~~or emergency~~
14 light is activated and if due regard is given to the safety of other persons in the
15 vicinity. If ~~a~~ an emergency light is used ~~in conjunction with a siren,~~ it shall be the
16 ~~oscillating or flashing type and be fitted with a blue lens of a type and design specified~~
17 under 33 CFR 88.11 or 88.12.

NOTE: Patrol boats are subject to exceptions from various boat operation statutes in ss. 30.62 (2) (i), 30.68 (7) and 30.73 (2) (a). These individual exceptions are deleted in lieu of the general exemption from all boating operation statutes and local regulations for a "patrol boat", as defined in new s. 30.50 (9b).

A blue light is required for law enforcement patrol boats. Red and yellow lights are required for fire and emergency patrol boats.

18 (b) Upon the approach of a ~~duly authorized~~ patrol boat giving an audio or visual
19 signal, the operator of a boat shall reduce the boat speed to ~~that speed necessary to~~
20 ~~maintain steerage control~~ slow-no-wake and yield the right-of-way to the patrol
21 boat until it has passed.

1 **SECTION 45.** 30.65 (1) (intro.), (b) and (f) and (2) of the statutes are amended
2 to read:

3 30.65 (1) **MEETING; OVERTAKING; RIGHT-OF-WAY.** (intro.) Every person operating
4 a boat shall comply with the following traffic rules, except when deviation ~~therefrom~~
5 from these rules is necessary to comply with federal ~~pilot~~ inland navigational rules,
6 under 33 USC 2001 to 2073 and 33 CFR parts 84 to 90, while operating on the
7 navigable waters of the United States:

8 (b) When 2 motorboats are approaching each other obliquely or at right angles,
9 the boat ~~which~~ that has the other on her ~~the~~ right shall yield the right-of-way to the
10 other. "Right" means from dead ahead, clockwise to 2 points abaft the starboard
11 beam.

12 (f) A boat granted the right-of-way by this section shall maintain her course
13 and speed, unless to do so would probably result in a collision.

14 (2) **ADDITIONAL TRAFFIC RULES.** The department may promulgate such
15 additional traffic rules ~~as it deems necessary in the interest of public safety. Such~~
16 ~~rules shall~~ that conform as nearly as possible to the federal ~~pilot~~ inland navigational
17 rules under 33 USC 2001 to 2073 and the regulations under 33 CFR parts 84 to 90.

18 **SECTION 46.** 30.66 (1), (2) (title) and (3) of the statutes are amended to read:

19 30.66 (1) **SPEED TO BE REASONABLE AND PRUDENT.** No person ~~shall~~ may operate
20 a motorboat at a speed greater than is reasonable and prudent under the conditions
21 and having regard for the actual and potential hazards then existing. The speed of
22 a motorboat shall be ~~so~~ controlled as to avoid colliding with any boat, object lawfully
23 ~~in or on the water or with any, or person, boat or other conveyance in or on the water~~
24 ~~in compliance with legal requirements and exercising due care.~~

NOTE: The 2nd sentence of this subsection requires the speed of a motorboat to be controlled to avoid collision with objects "lawfully in or on the water" or with persons or boats that are "in compliance with legal requirements and exercising due care". This suggests that the speed of a motorboat does not need to be controlled to avoid collision with any object, boat or person that does not meet these requirements. The amendment to this subsection requires motorboat speed to be controlled so as to avoid collision with any boat, object or person in or on the water, whether or not that boat, object or person is lawfully in or on the water or in compliance with legal requirements or exercising due care. This change establishes a principle of "defensive driving" for motorboat operation. A motorboat operator is required to control motorboat speed so as to avoid collision, no matter how any other boat is operated, any object is placed in the water, or any person uses the water.

1 (2) (title) FIXED POSTED LIMITS.

2 (3) ~~PROHIBITED OPERATION SLOW-NO-WAKE.~~ (a) ~~Except under s. 30.69 (3), no~~ No
3 person may operate a motorboat within 100 feet of any dock, raft, pier, or buoyed
4 restricted area on any lake at a speed in excess of slow-no-wake speed.

NOTE: The cross-reference to s. 30.69 (3) relates to restrictions on operation of a motorboat in connection with water skiing. The cross-referenced provision establishes various restrictions on the distance that must be maintained between a motorboat or personal watercraft towing a skier and various other objects. The restrictions in s. 30.69 (3) (a) to (c) do not overlap or contradict the restrictions above in s. 30.66 (3) (a). Therefore, the phrase "Except under s. 30.69 (3)", is deleted. The exception in current s. 30.69 (3) (d) remains relevant, and is duplicated below in new s. 30.66 (3) (c). See the description in the following comment.

5 (b) No person may operate a personal watercraft at a speed in excess of
6 slow-no-wake within 100 feet of any other boat or within 200 feet of the shoreline
7 of any lake. ~~This paragraph does not apply if s. 30.69 (3) (a), (c) or (d) applies to the~~
8 ~~operation of the personal watercraft.~~

NOTE: The restriction on the operation of a personal watercraft within 200 feet of the shoreline of a lake was added by 1997 Wisconsin Act 198. The placement of that language in the first sentence of s. 30.66 (3) (b) creates a problem in connection with the sentence that follows. Most of the restrictions in s. 30.69 (3) (a), (c) and (d) apply to operation of a motorboat that is towing a water skier, and the distances that must be maintained between the motorboat and other objects. The problem is that, for example, if a personal watercraft operator is towing a skier, the restriction on operation within 200 feet of the shoreline of the lake does not apply. This does not appear to be the intent of the legislature. The only portion of s. 30.69 (3) (a), (c) and (d) that applies to operation of a personal watercraft that is towing a skier in relation to the shoreline is s. 30.69 (3) (d), which applies to pickup and drop areas that are marked with regulatory markers and that are open to operators of personal watercraft and to motorboats engaged in water skiing. To resolve this problem, the bill deletes the cross-reference in par. (b) and recreates the substance of the exception for pickup and drop areas in s. 30.66 (3) (c), below.

9 SECTION 47. 30.66 (3) (c) of the statutes is created to read:

1 30.66 (3) (c) This subsection does not apply to pickup or drop areas that are
2 marked with regulatory markers and that are open to operators of personal
3 watercraft and to persons and motorboats engaged in water skiing or a similar
4 activity.

NOTE: See the comment to s. 30.66 (3) (b), above.

5 **SECTION 48.** 30.67 (1) of the statutes is renumbered 30.67 (1m) and amended
6 to read:

7 **30.67 (1m) DUTY TO RENDER AID.** ~~Insofar as~~ If the operator of a boat can do so
8 without serious danger to the operator's boat or to persons on board, the operator of
9 a boat involved in a boating accident shall stop the operator's boat and render ~~to other~~
10 ~~persons affected thereby such~~ to any person affected by the accident any assistance
11 ~~as that may be practicable and necessary to save them from or feasible to save the~~
12 person or to minimize any danger caused by the accident. The operator shall give
13 the operator's name and address and identification of the operator's boat to any
14 person injured and to the owner of any property damaged in the accident.

NOTE: "Other persons" is replaced by "any person" to clearly provide that the duty to render aid applies to any person affected by the accident. The current statute commences with the provision that the operator must be able to render aid without danger to the operator's boat or to persons on board. It is possible to read the current statute that "other persons" does not apply to the operator or to persons on board the operator's boat.

"Practicable" is replaced by "feasible", to use a more understandable word and with no intention of making a change to this requirement. In effect, this is a standard of reasonableness for the effort that must be undertaken to render aid at the scene of an accident. "Necessary" is deleted as superfluous.

15 **SECTION 49.** 30.67 (2) of the statutes is amended to read:

16 **30.67 (2) DUTY TO REPORT.** (a) If a boating accident results in death or injury
17 to any person, the disappearance of any person from a boat under circumstances
18 indicating death or injury, or property damage, every operator of a boat involved in
19 an accident shall, without delay and by the quickest means available, give notice of

1 the accident to a ~~conservation warden or local law enforcement officer~~ and shall file
2 a written report with the department on the form prescribed by it. ~~The department~~
3 ~~shall promulgate rules necessary to keep accident reporting requirements in~~
4 ~~conformity with rules adopted by the U.S. coast guard.~~

✓ OK per m.p. *****NOTE:** this provision is not renumbered as in the original draft because such renumbering appears to be unnecessary.

5 (b) If the operator of a boat is physically incapable of making the report required
6 by this subsection and there was another occupant in the boat at the time of the
7 accident capable of making the report, the other occupant shall make ~~such~~ the report.

NOTE: The rationale for the repeal of the last sentence of this provision is the same as that stated in the note describing the repeal of s. 30.501 (8).

8 **SECTION 50.** 30.67 (3) (intro.) of the statutes is renumbered 30.67 (1g) (intro.),
9 and 30.67 (1g) (title), as renumbered, is amended to read:

10 30.67 (1g) (title) ~~TERMS DEFINED~~ DEFINITIONS.

11 **SECTION 51.** 30.67 (3) (a) and (b) of the statutes are renumbered 30.67 (1g), (a)
12 and (b).

13 **SECTION 52.** 30.67 (3) (c) of the statutes is repealed.

NOTE: The definition of "total property damage" is eliminated because it is not used in s. 30.67, stats. This term was originally used in connection with a property damage threshold of \$100 for reporting under current s. 30.67 (2), but that threshold is no longer part of the current statute.

14 **SECTION 53.** 30.67 (4), (5) and (6) (b) of the statutes are amended to read:

15 30.67 (4) **REPORTS CONFIDENTIAL.** No report required by this section to be filed
16 with the department shall may be used as evidence in any trial, civil or criminal,
17 arising out of an accident, except that the department shall furnish upon demand of
18 any person who has or claims to have made ~~such~~ a report, or upon demand of any
19 court, a certificate showing that a specified accident report has or has not been made

1 to the department solely to prove a compliance or a failure to comply with the
2 requirement that ~~such~~ a report be made.

3 (5) TRANSMITTAL OF INFORMATION TO FEDERAL AND STATE AUTHORITIES. If any
4 request for information available on the basis of reports filed pursuant to this section
5 is ~~duly~~ made by an authorized official or agency of the U.S. federal government or
6 of the state ~~which~~ that registered the boat involved or the state where the accident
7 occurred, the department shall compile and furnish ~~such~~ the information in
8 accordance with ~~such~~ the request.

9 (6) (b) In cases of death involving a boat in which the person died within 6 hours
10 of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from
11 the body of the decedent within 12 hours after his or her death, by the coroner or
12 medical examiner, or by a physician so designated by the coroner or medical
13 examiner or by a qualified person at the direction of the physician. All morticians
14 shall obtain a release from the coroner or medical examiner prior to proceeding with
15 embalming any body ~~coming under the scope~~ that is subject to the requirements of
16 this section. The blood so drawn shall be forwarded to a laboratory approved by the
17 state health officer for analysis of the ~~alcoholic~~ alcohol content of the blood specimen.
18 The laboratory shall notify the coroner or medical examiner causing the blood to be
19 withdrawn ~~shall be notified~~ of the results of each analysis made and the coroner or
20 medical examiner shall forward the results of each analysis to the state health
21 officer. The state health officer shall keep a record of all examinations to be used for
22 statistical purposes only. The cumulative results of the examinations, without
23 identifying the individuals involved, shall be disseminated and made public by the
24 state health officer. The department shall reimburse coroners and medical
25 examiners for the costs incurred in submitting reports and taking blood specimens

1 and laboratories for the costs incurred in analyzing blood specimens under this
2 section.

3 *OK per m.p.* ~~NOTE:~~ NOTE: This provision has been reworded to avoid the use of the passive voice.

4 SECTION 54. 30.675 (intro.) and (1) of the statutes are renumbered 30.675 (1g)
and (1r) and amended to read:

5 30.675 (1g) The display on a boat or by a person of ~~an orange flag approximately~~
6 ~~18 by 30 inches in size~~ a visual distress signal of a type approved by the U.S. coast
7 guard under 33 CFR 175.101 to 175.140 shall indicate that such boat or person is in
8 need of help.

9 (1r) ~~Insofar as~~ If it is possible without serious danger to the operator's boat or
10 persons on board, the operator of a boat observing a distress signal shall render to
11 the boat or person displaying the signal such assistance as ~~may be practicable and~~
12 ~~necessary is feasible~~ to save the boat or person or to minimize any danger to them.

13 SECTION 55. 30.675 (2) of the statutes is amended to read:

14 30.675 (2) No person shall ~~may~~ display a ~~flag like that~~ distress signal described
15 in under sub. (1) (1g) unless such person is in need of assistance to prevent bodily
16 injury or destruction of property.

17 SECTION 56. 30.68 (title) and (2) of the statutes are amended to read:

18 30.68 (title) **Prohibited Boat operation.**

19 (2) NEGLIGENT OPERATION. No person may operate or use any boat, or
20 ~~manipulate any water skis, aquaplane~~ engage in water skiing or a similar device
21 upon activity on the waters of this state in a careless, negligent, or reckless manner
22 so as to endanger ~~that person's life, property or person or the life, or property or of~~
23 any person of another.

NOTE: "Manipulate" is replaced by "engage in" with no intention of making any
change. "Water skiing or a similar activity" is defined in s. 30.50 by this bill. The last

phrase of this provision is simplified to refer to "the life or property of any person". The reference to the "life" of a person refers to risks of both injury and death. The reference to "any person" simplifies the language while continuing to refer to the person operating or using a boat, water skis, or other device, any person on board the boat, as well as any other person.

1 SECTION 57. 30.68 (3) (a) of the statutes is renumbered 30.68 (3) and amended
2 to read:

don't amend title - per M.P.

3 30.68 (3) OPERATION BY ~~INCAPACITATED PERSON OR MINOR~~ LACKING CAPABILITY. No
4 person in charge or control of a boat ~~shall~~ may authorize or knowingly permit the boat
5 to be operated by any person who by reason of physical or mental disability
6 incapacity is incapable of operating ~~such~~ the boat under the prevailing
7 circumstances.

NOTE: This subsection is split into 2 subsections (see sub. (3m), below). Subsection (3) applies only to persons lacking the capability of operating a boat. This provision currently refers to physical or mental disability, but the title uses the word "incapacitated". The title suggests that this provision is meant to be broader than a narrow concept of physical or mental disability. This bill substitutes "incapacity" for "disability". Incapacity is broader than "physical or mental disability", as it could include any condition that has a bearing on the ability to operate a boat, such as physical strength or fatigue. The last phrase, "under the prevailing circumstances", makes it clear that the capacity to operate a boat under some conditions (e.g., in a sheltered bay) may not indicate a capacity to operate the boat under other conditions (e.g., on a wind-swept lake).

✓ ******NOTE:** Shouldn't the title retain the term "incapacitated" given that the provision, as amended, refers to "incapacity"?

8 SECTION 58. 30.68 (3) (b) to (d) of the statutes are renumbered 30.68 (3m) (a)
9 to (c), and 30.68 (3m) (a) and (c), as renumbered, are amended to read:

10 30.68 (3m) (a) No person under the age of 10 years may operate a motorboat.
11 Persons at least 10 and less than 12 years of age may operate a motorboat only if they
12 are either accompanied in the boat by a parent or guardian or a person at least 18
13 years of age designated by a parent or guardian. Persons at least 12 and less than
14 16 years of age may operate a ~~motor of any horsepower~~ motorboat, but only if they
15 are either accompanied by a parent or guardian or a person at least 18 years of age

1 designated by a parent or guardian, or in possession of a certificate issued under s.
2 30.74 (1). This paragraph does not apply to personal watercraft.

NOTE: The reference to a motor of any horsepower is deleted because none of the other provisions related to age of a motorboat operator related to horse power.

3 (c) A violation of par. (a) or (b) ~~or (e)~~ done with the knowledge of a parent or
4 guardian ~~shall~~ may also be deemed a violation by the parent or guardian, ~~and~~
5 ~~punishable under s. 30.80.~~

NOTE: "Shall" is replaced by "may" to provide discretion in citing a parent or guardian under the particular circumstances. "Also" is added so that the violation of requirements related to operation, leasing or rental of a motorboat or personal watercraft by a minor applies both to the minor and to the parent or guardian who knew of the violation. The current statute could be interpreted to mean that only the parent or guardian who knew of the violation is deemed to be in violation of the statute. The reference to the punishment under s. 30.80 is eliminated as unnecessary.

6 SECTION 59. 30.68 (3m) (title) of the statutes is created to read:

7 30.68 (3m) (title) OPERATION OF MOTORBOATS BY MINORS.

8 SECTION 60. 30.68 (4) (a) of the statutes is renumbered 30.68 (4) and amended
9 to read:

10 30.68 (4) CREATING HAZARDOUS WAKE OR WASH. No person shall may operate a
11 motorboat ~~so as to approach or pass near~~ another boat in such a manner ~~as to create~~
12 that creates a hazardous wake or wash.

NOTE: The phrase regarding approaching or passing another boat is eliminated to make this provision broader. There does not appear to be a reason to limit it to these conditions of boat operation. Eliminating this phrase applies this regulation to all methods of motorboat operation, including operation in a circular course.

13 SECTION 61. 30.68 (4) (b) of the statutes is repealed.

NOTE: Current s. 30.68 (4) (b) creates a standard of strict liability for damage caused by the wake or wash from a motorboat. A defense is provided if the negligence of the other person was the primary cause of the damage. This statute relates to private remedies and not to DNR enforcement. The special committee determined that such damage should be subject to a standard of ordinary negligence, and thus recommends repeal of this provision.

14 SECTION 62. 30.68 (4m) (title) and (5) of the statutes are amended to read:

15 30.68 (4m) (title) FACING PERSONAL WATERCRAFT FACING BACKWARDS.

1 (5) OPERATING IN ~~CIRCULAR~~ CIRCUITOUS COURSE. No person may operate a
2 motorboat repeatedly in a circuitous course around any other boat, or around any
3 person who is swimming, if such the circuitous course is within 200 feet of such the
4 boat or swimmer; ~~nor shall any.~~

5 (5g) OPERATION NEAR SKIN DIVER OR SWIMMER. No person may operate a boat or
6 water skier operate or approach and no person may engage in water skiing or a
7 similar activity closer than 100 feet to any skin diver's flag or any swimmer unless
8 the one of the following applies:

9 (a) The person is operating a boat that is part of the a skin diving operation or,

10 (b) The person is operating a boat that is accompanying the a swimmer, or
11 unless physical conditions make compliance impossible.

12 SECTION 63. 30.68 (5g) (c) of the statutes is created to read:

13 30.68 (5g) (c) There is insufficient room for the person to operate the boat 100
14 or more feet from the skin diver's flag or the swimmer and the boat is not being
15 operated in excess of slow-no-wake speed.

NOTE: The current statute prohibits operation of a boat or use of water skis or similar devices within 100 feet of a skin diver's flag or a swimmer. An exception is provided for boats that are part of a skin diving operation or that are accompanying a swimmer. A further exception applies if "physical conditions" make compliance impossible. Presumably, this latter exception applies to narrow areas on a body of water (e.g., channels or rivers) or when swimming or skin diving occurs near a boat landing. The language of the current statute is clarified to better describe the latter exception with a reference to the available room to navigate. Further, in the latter exception, a requirement to operate at slow-no-wake speed is imposed for boats operating within 100 feet of a skin diver's flag or a swimmer pursuant to this exception. It should be noted that s. 30.70 prohibits diving in established traffic lanes.

16 SECTION 64. 30.68 (5m) of the statutes is renumbered 30.66 (5) and amended
17 to read:

30.66 (5) ~~TOWING SLOW-NO-WAKE: TOWING BY A PERSONAL WATERCRAFT.~~ A person may use a personal watercraft to tow a stranded or disabled boat if, during towing, the speed of the personal watercraft does not exceed slow-no-wake.

****Note: Under s. 30.80 (2m), stats., a person who violates s. 30.68 must obtain a certificate of satisfactory completion of a safety course. By renumbering s. 30.68 (5m) to be s. 30.66 (5), no such certificate will be required for a violation of that provision. Is that result intended? - *yes. This result is intended per M.P.*

SECTION 65. 30.68 (6) of the statutes is amended to read:

30.68 (6) RIDING ON DECKS AND GUNWALES. No person operating a motorboat may ride or sit, or may allow any other person in the motorboat to ride or sit, on the gunwales, on tops of seat backs or sides, or on the decking over the bow of the boat in an unsafe manner while under way, unless ~~such~~ the person is inboard of guards or railings provided on the boat to prevent persons from being lost overboard. Nothing in this ~~section~~ subsection shall be construed to prohibit entry upon the decking over the bow of the boat for the purpose of anchoring, mooring, or casting off or other necessary purpose.

SECTION 66. 30.68 (7) (title) of the statutes is amended to read:

30.68 (7) (title) RESTRICTED SWIMMING AREAS AND REGULATORY MARKERS.

SECTION 67. 30.68 (7) of the statutes is renumbered 30.68 (7) (a) and amended to read:

30.68 (7) (a) No person ~~shall~~ may operate a boat within ~~a water~~ any area which ~~that~~ has been clearly marked by regulatory markers or buoys ~~or some other~~ distinguishing device as a bathing or swimming area; ~~nor~~.

~~(b) No person may operate a boat in restricted use areas contrary to regulatory notice pursuant to s. 30.74 (2). This subsection does not apply in the case of an emergency, or to patrol or rescue craft markers.~~

NOTE: The deletion of "restricted use areas" clarifies that this provision applies to all regulatory markers, whether or not the regulatory marker designates a restricted use area. See s. 30.68 (14) for the general exception for patrol boats.

1 SECTION 68. 30.68 (8) and (8m) (a) of the statutes are amended to read:

2 30.68 (8) ANCHORING IN TRAFFIC LANES. No person may anchor, place, affix, or
3 abandon any unattended boat, raft, float, or similar structure in the traveled portion
4 of any river or channel or in any traffic lane ~~established and legally marked~~
5 designated by aids to navigation, so as to ~~prevent, impede or interfere~~ with the safe
6 passage of any other boat ~~through the same~~.

7 (8m) (a) No person may use a mooring ~~or attach a boat to a mooring buoy~~ if the
8 mooring ~~or mooring buoy~~ violates s. 30.772 or 30.773.

NOTE: "Attach a boat to a mooring buoy" duplicates the prohibition on use of a mooring. "Mooring" is defined in s. 30.01 (3e), when used as a noun, to mean "a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless the term is qualified or restricted".

9 SECTION 69. 30.68 (8m) (c) of the statutes is created to read:

10 30.68 (8m) (c) No person may attach a boat to any aid to navigation or
11 regulatory marker, except to mooring buoys.

NOTE: The prohibition in new sub. (8m) (c) is moved to this location from s. 30.68 (12).

12 SECTION 70. 30.68 (9) and (11) of the statutes are amended to read:

13 30.68 (9) OVERLOADING. No person may operate, and no owner of a boat may
14 allow a person to operate, a boat that is loaded with passengers or cargo beyond its
15 safe carrying capacity, taking into ~~consideration weather and other~~ account existing
16 operating conditions.

17 (11) UNNECESSARILY SOUNDING ~~WHISTLES~~ HORNS; USE OF FLASHING LIGHTS. No
18 person ~~shall~~ may unnecessarily sound a horn, whistle or other sound-producing
19 device on any boat while ~~at anchor or under way~~ on the water. The use of a siren ~~or~~
20 a light that resembles an emergency light specified under sub. (14) (a) on any boat

1 except ~~duly authorized a patrol boats on patrol or rescue~~ boat that is on duty is
2 prohibited.

NOTE: "At anchor or underway" is replaced by "on the water" to make this prohibition broader. For example, the broader language would prohibit unnecessary sounding of a horn while a boat is tied to a dock. "Emergency light" is added to the prohibition on use of a siren.

3 SECTION 71. 30.68 (12) of the statutes is repealed.

NOTE: The prohibition on mooring or fastening a boat to aids to navigation or regulatory markers is deleted here and recreated in s. 30.68 (8m) (c), above.

4 SECTION 72. 30.68 (14) (title) of the statutes is created to read:

5 30.68 (14) (title) PATROL BOATS.

6 SECTION 73. 30.69 (title) of the statutes is amended to read:

7 30.69 (title) Water skiing and similar activities.

8 SECTION 74. 30.69 (1) (title) of the statutes is amended to read:

9 30.69 (1) (title) ~~PROHIBITED AT CERTAIN TIMES~~ PROHIBITIONS; EXCEPTIONS.

10 SECTION 75. 30.69 (1) (a) of the statutes is renumbered 30.69 (1) (a) (intro.) and
11 amended to read:

12 30.69 (1) (a) (intro.) ~~Except as provided in par. (b), no~~ No person may operate
13 do any of the following:

14 1. Operate a motorboat towing a person ~~on engaged in~~ engaged in water skis, aquaplane
15 ~~or skiing or a similar device activity~~ activity unless there is in the boat a competent person
16 in addition to the operator ~~in a position to observe the progress of the person being~~
17 ~~towed. An observer shall be considered competent if that person~~ who is in a position
18 to observe, and can in fact observe, the person being towed and relay any signals to
19 the operator. ~~This observer requirement does not apply to motorboats classified as~~
20 ~~Class A motorboats by the department actually operated by the persons being towed~~

1 ~~and so constructed as to be incapable of carrying the operator in or on the motorboat.~~

2 ~~No person may engage~~

3 2. Engage in water skiing, aquaplaning or a similar activity, or operate a
4 motorboat towing a person engaged in water skiing or a similar activity, at any time
5 from sunset to sunrise. This restriction of the hours of water skiing does not prevent
6 restrictions of the hours of water skiing between sunrise and sunset by local
7 ordinances enacted pursuant to s. 30.77 (3).

8 SECTION 76. 30.69 (1) (b) of the statutes is renumbered 30.69 (1) (b) (intro.) and
9 amended to read:

10 30.69 (1) (b) (intro.) Paragraph (a) 1. does not apply to ~~duly authorized water~~
11 any of the following:

12 1. Water ski tournaments, competitions, exhibitions ~~or trials therefor, where~~
13 adequate lighting is provided, or practice sessions that are authorized by a permit
14 from a local governmental unit that enacts an ordinance under s. 30.77.

15 SECTION 77. 30.69 (1) (b) 2. of the statutes is created to read:

16 30.69 (1) (b) 2. Motorboats less than 16 feet long that are operated by the person
17 being towed and that are so constructed as to be incapable of carrying the operator
18 in or on the motorboat.

19 SECTION 78. 30.69 (1) (bm) of the statutes is created to read:

20 30.69 (1) (bm) Paragraph (a) 2. does not apply to water ski tournaments,
21 competitions, exhibitions, or practice sessions that are conducted under a permit
22 from a local governmental unit that enacts an ordinance under s. 30.77 and for which
23 adequate lighting is provided.

✓ *move to
Pg. 29 after
line 7*
NOTE: The reference to local ordinances is eliminated, and all provisions related
to local ordinances will be consolidated in s. 30.77. It is proposed to expand this →

✖✖ This draft inadvertently omitted 30.69(1)(c) from
M.P.'s draft. Put back in as (1)(r)(?)

prohibition to apply to the motorboat operator as well as to the person engaged in water skiing or a similar activity.

The reference to "duly authorized" water ski tournaments and other activities is unclear. A specific reference to authorization by means of a permit from a local governmental unit that adopts ordinances under s. 30.77 is substituted for that phrase.

"Practice sessions" is substituted for "trials". The meaning of "trials" is not clear, although one sense of that word is a preliminary competition. The special committee believes that the exemption from the observer requirement is widely understood to apply to all activities related to organized water ski activities, including practice sessions, and that the broader exemption from the observer requirement is appropriate, so the statute is redrafted accordingly.

Current s. 30.69 (1) (a) commences with "Except as provided in part (b) (1) that provision is recreated above in s. 30.69 (1) (c), with the omission of the reference to the provision of adequate lighting. It appears to be the intent of the current statute that the observer requirement does not apply to water ski tournaments, competitions, exhibitions or practice sessions under any circumstances.

1 SECTION 79. 30.69 (2) of the statutes is amended to read:

2 30.69 (2) CAREFUL AND PRUDENT OPERATION. A person operating a motorboat
3 having in tow a person ~~on water skis, aquaplane or engaged in water skiing or a~~
4 similar device activity shall operate such boat the motorboat in a careful and prudent
5 manner and at a reasonable distance from persons and property so as not to
6 endanger the life or property of any person.

7 SECTION 80. 30.69 (3) of the statutes is amended to read:

8 30.69 (3) RESTRICTIONS. (a) No person operating a motorboat that is towing
9 ~~persons~~ a person engaged in water skiing, ~~aquaplaning~~ or a similar activity may
10 operate the motorboat within 100 feet of any occupied, anchored boat, any personal
11 watercraft, or any marked swimming area or public boat landing.

12 (b) No person who is engaged in water skiing, ~~aquaplaning~~ or a similar activity
13 may ~~get~~ approach within 100 feet of a personal watercraft or allow the tow rope while
14 in use to ~~get~~ come within 100 feet of a personal watercraft.

✓ ****NOTE: Do you want to replace both of the uses of the term "get" in this provision
with the term "come" for purposes of consistency? *Yes - per M.P.*

15 (c) 1. A motorboat towing a person who is engaged in water skiing, ~~aquaplaning~~
16 or a similar activity.

*move to
pg. 29
after line
14
and see
changes*

1 2. The tow rope of a motorboat towing a person who is engaged in water skiing,
2 aquaplaning or a similar activity.

3 3. A person who is engaged in water skiing, ~~aquaplaning~~ or a similar activity.

4 (d) Paragraphs (a) to (c) do not apply to pickup or drop areas that are marked
5 with regulatory markers and that are open to operators of personal watercraft and
6 to persons and motorboats engaged in water skiing or a similar activity.

7 SECTION 81. 30.69 (4) of the statutes is amended to read:

8 30.69 (4) INTOXICATED OPERATION. No person may use engage in water ~~skis, an~~
9 aquaplane skiing or a similar device activity while under the influence of an
10 intoxicant to a degree which renders him or her incapable of safely using engaging
11 in water skis, an aquaplane skiing or a similar device activity, or under the combined
12 influence of an intoxicant and any other drug to a degree which renders him or her
13 incapable of safely using engaging in water ~~skis, an aquaplane skiing~~ or a similar
14 device activity.

15 SECTION 82. 30.70 of the statutes is renumbered 30.70 (1) and amended to read:

16 30.70 (1) No person may engage in ~~underwater diving or~~ swimming with the
17 use of swimming fins or skin diving in waters other than marked swimming areas
18 or within 150 feet of the shoreline, and no unless the location of the swimming or
19 diving is marked by a diver's flag. No person may engage in ~~underwater diving or~~
20 swimming with the use of self-contained any underwater breathing apparatus in
21 waters other than marked swimming areas, unless the location of such the diving ~~or~~
22 swimming is distinctly marked by a diver's flag, ~~not less than~~.

NOTE: "Underwater diving" is eliminated and "skin diving" is retained. Skin diving appears to be a clear reference to all types of diving that do not involve the use of an underwater breathing apparatus.

1 (2) A diver's flag under sub. (1) shall consist of a flag that is 12 inches high and
2 15 inches long, displaying and displays one diagonal white stripe 3 inches wide on
3 a red background, and. The diver's flag shall be of a height above the water so as to
4 be clearly apparent at a distance of 100 yards under normal conditions, and so
5 designed and displayed as to be visible from any point on the horizon. Except in case
6 of emergency, anyone no person engaging in such diving or swimming shall not that
7 requires a diver's flag may rise to the surface outside of a radius of 50 feet from such
8 the diver's flag.

9 (3) No person engaged in such diving or swimming shall that requires a diver's
10 flag may interfere with the operation of anyone fishing nor or engage in such diving
11 or swimming in established traffic lanes; nor shall any such person alone or with
12 another, intentionally or unintentionally, block or. No person engaged in diving or
13 swimming that requires a diver's flag may obstruct any boat in any manner from
14 proceeding to its destination in its course where -a- no reasonable alternative is
15 unavailable available. A reasonable alternative route course is available when the
16 otherwise unobstructed boat can proceed to its destination pass the diver's flag
17 without reducing its lawful speed, by passing to the right or to the left of a marked
18 diving operation while complying with s. 30.68 (5g).

NOTE: This provision is modified to eliminate the requirement that the boat must be proceeding to its destination in order for the prohibition on obstructing the boat to apply. This makes the prohibition on obstructing a boat applicable to any legal course that the boat may take. The added reference to s. 30.68 (5g) is the newly numbered requirement for boats to remain at least 100 feet from a diver's flag.

19 **SECTION 83.** 30.71 (1) of the statutes is repealed.

NOTE: The definition of "outlying waters" duplicates the definition of that term in current s. 30.01 (4r).

20 **SECTION 84.** 30.73 (2) (a) of the statutes is amended to read: